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FORM PTO-1082

Case Docket No. 4138-A1

Commissioner of Patents and Trademarks  
Box Patent Application  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the utility patent application of:

Inventor: RICHARD RUBIN  
Entitled: INSULATED FOOD CONTAINER

Enclosed are:

- X 20 sheets of specification and claims  
X 2 sheet(s) of drawings and 3 copies of same  
An Assignment of the invention to:  
X Declaration and Power of Attorney (X) Executed ( ) Unexecuted  
X Verified statement(s) to establish Small Entity Status under 37 CFR 1.9 and 37 CFR 1.27  
X Information Disclosure Statement  
X Also enc.: Information Disclosure Citation and 3 cited refs

The filing fee has been calculated as shown below:

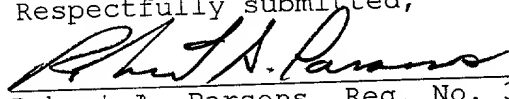
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FOR:	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE:	1		X345	= \$345	X690	= 690
TOTAL CLAIMS:	20	- 20 =	X 9	= \$ or	X 18	= \$
INDEP CLAIMS:	3	- 3 =	X 39	= \$ or	X 78	= \$
MULTIPLE DEPEND CLAIM PRESENTED			X130	= \$ or	X260	= \$
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A duplicate copy of this transmittal sheet is enclosed.

Respectfully submitted,



Robert A. Parsons, Reg. No. 32,713

Date

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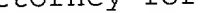
CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EL686125240US  
Date of Deposit: 19 September 2000

I hereby certify that the attached Application Transmittal Form; Declaration and Power of Attorney, executed; Small Entity Statement, executed; Information Disclosure Statement; Information Disclosure Citation and copies of three (3) cited references; Application: Specification, thirteen (13) pages; Claims, six (6) pages; Abstract, one (1) page; two (2) sheet(s) informal drawings and three (3) copies of same; check for appropriate fee; and a postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, Box PATENT APPLICATION on 19 September 2000.

19 September 2000  
Date

Respectfully submitted,

  
Robert A. Parsons  
Attorney for Applicant  
Registration No. 32,713

Applicant or Patentee: RICHARD RUBIN  
Serial or Patent No.: Attorney's Reg. No.: 32,713  
Filed or Issued: Herewith Docket No.: 4138-A1  
For: INSULATED FOOD CONTAINER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b))--INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled INSULATED FOOD CONTAINER

described in

☒ the specification filed herewith  
\_\_\_\_\_ application serial no. \_\_\_\_\_, filed \_\_\_\_\_.  
\_\_\_\_\_ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization  
\_\_\_\_\_ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

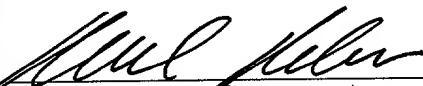
FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_ Individual \_\_\_\_ Small Business Concern \_\_\_\_ Nonprofit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_ Individual \_\_\_\_ Small Business Concern \_\_\_\_ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Richard Rubin  
Name of Inventor

  
Signature of Inventor

08-Sep-00  
Date

INSULATED FOOD CONTAINER

Invented by

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006760 3349360

1 INSULATED FOOD CONTAINER

2  
3  
4 Field of the Invention

5  
6 This invention relates to food storage devices and,  
7 more particularly, to containers for keeping food warm and  
8 moist.

9  
10 Background of the Invention

11  
12 Most people enjoy eating warm tortillas, bread, rolls,  
13 cookies and other savory and sweet breads and bread-like  
14 foods. However, if freshly baked or warmed food such as  
15 these are left out, they quickly dry out and become cold.  
16 In an attempt to keep warm and moist freshly baked and  
17 warmed breads and bread-like foods, most people store them  
18 in sealed containers such as plastic bags and plastic  
19 containers with tight-fitting lids. However, freshly baked  
20 or heated bread and bread-like food gives off moisture in  
21 the form of water vapor, which invariable builds up in  
22 sealed containers and makes them soggy and unpalatable.  
23 Given the lack of containers that are constructed to keep  
24 food warm and moist, there is a need for such a container  
25 that is easy to use and construct and that keeps food warm

1 and moist without allowing it to become soggy over an  
2 extended period of time.

1                   Summary of the Invention

2

3           The above problems and others are at least partially

4   solved and the above purposes and others realized in new and

5   improved apparatus for storing food and for keeping it warm

6   and moist. In a preferred embodiment, the apparatus of the

7   invention comprises a substantial pouch that bounds an

8   insulated and substantially water impermeable food-warming

9   chamber. The pouch includes opposing substantially

10   coextensive lips capable of being moved apart for providing

11   food passage to the warming chamber and for providing a

12   partial vapor lock for the warming chamber. When warm food

13   is placed into the warming chamber, it is kept warm. Warm

14   food, such as warm tortillas and sweet and savory bread and

15   bread-like food give off water vapor. The partial vapor

16   lock allows water vapor to pass between the lips, which

17   inhibits moisture from building up in the warming chamber

18   and the food stored therein from becoming soggy. Because

19   the vapor lock is only partial, it also ensures that the

20   food stored in the warming chamber remains moist.

21

22           The warming chamber is insulated with insulating

23   structure. In one embodiment, the insulating structure

24   comprises a substantial pouch formed of joined superimposed

25   layers of cloth and insulating material. In another



1 embodiment, the insulating structure comprises opposing and  
2 partially joined insulators each comprising joined  
3 superimposed layers of cloth and insulating material. A  
4 closure is provided for actively and partially coupling  
5 together the lips. The closure comprises an engagement  
6 element supported by one of the lips and an opposing and  
7 detachably engagable complementary engagement element  
8 supported by the other of the lips.

9

10 Consistent with the foregoing, the invention also  
11 contemplates associated methods.

BRIEF DESCRIPTION OF THE DRAWINGS

Referring to the drawings:

Fig. 1 is a perspective view of apparatus for keeping food warm and moist;

Fig. 2 is a top view of the apparatus of Fig. 1;

Fig. 3 is a side view of the apparatus of Fig. 1;

Fig. 4 is a top view of the apparatus of Fig. 1 shown as it would appear equipped with indicia;

Fig. 5 is an enlarged fragmented perspective view of a closure for an opening of the apparatus of Fig. 1; and

Fig. 6 is a sectional view along line 6-6 of Fig. 1.

1 DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT

2

3 Referring to the drawings, Fig. 1 is a perspective view  
4 of apparatus 10 for storing food and for keeping it warm and  
5 moist without letting it get soggy, in accordance with the  
6 invention. Looking to Fig. 6, which illustrates a sectional  
7 view along line 6-6 of Fig. 1, apparatus 10 is comprised of  
8 a substantial pouch 11 and insulating structure 12 that are  
9 together pliant and easily manipulated by hand and washable.  
10 In terms of this disclosure, the term "pouch" is given its  
11 ordinary and customary structural meaning. In this regard,  
12 pouch 11 is a general bag or baglike item comprising a  
13 substantially continuous sidewall 13 that includes a closed  
14 end and an opposing open end (not shown in Fig. 6, but is  
15 contained substantially by insulating structure 12) and a  
16 chamber 14 therebetween for receiving and accommodating food  
17 that, in this specific example, is shown as tortillas 15 as  
18 a matter of example. Insulating structure 12 supports and  
19 substantially encloses pouch 11, and pouch 11 is constructed  
20 of a substantially water-impermeable material such as thin  
21 plastic or polyester film or the like. As a matter of  
22 explanation and detail, sidewall 13 is more specifically  
23 comprised of opposing, spaced-apart layers 13A and 13B that  
24 meet at a continuous edge 13C.

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1 Referring back to Fig. 1, insulating structure 12 is  
2 generally circular, which is preferably also the case with  
3 pouch 11. Other shapes may be employed whether ovoidal,  
4 triangular, square, etc., and insulating structure 12 and  
5 pouch 11 may be of different shapes. Insulating structure  
6 12 is comprised of a substantial pouch that, in this  
7 specific embodiment, is defined by joined substantially  
8 coextensive elements or insulators 20 and 21 and it  
9 alternatively may be formed from or of a single element. In  
10 this preferred embodiment, elements 20 and 21 are joined at  
11 their respective distal extremities and this will be  
12 discussed more fully later in this specification, and are  
13 substantially identical and only one will be discussed in  
14 connection with Fig. 6. In this regard, element 20 is  
15 comprised of insulation or insulating material 22 contained  
16 substantially in a substantial shell 23. Insulation 22 is  
17 constructed of natural and/or synthetic insulating material  
18 such as polyester and/or cotton or other suitable insulating  
19 material or combination of materials and may be constructed  
20 of any suitable thickness for providing a desired insulating  
21 ability. Shell 23 includes opposing, spaced-apart layers  
22 23A and 23B that meet at a substantially continuous edge  
23 23C. Shell 23 is preferably constructed of a natural and/or  
24 synthetic, woven and/or unwoven cloth or cloth-like  
25 material. Layers 23A and 23B and insulation 22 are



1 Pouch 11 may be prefabricated, and elements 20 and 21  
2 may be prefabricated and then joined together and to pouch  
3 11. In another embodiment, element 20 may be prefabricated  
4 with layer 13A and element 21 may be prefabricated with  
5 layer 13B. These prefabricated structures may then be  
6 joined together for forming apparatus 10 including pouch 11.  
7 Elements 20 and 21 are joined together with a suitable  
8 adhesive and/or sewn features, which may comprise sewn  
9 features 24 discussed in connection with Fig. 6 and which  
10 are also shown in Fig. 1 or different sewn features.

11  
12 In a further and more specific aspect in regards to  
13 Fig. 1, elements 20 and 21 are joined together substantially  
14 at and along only a portion of extremities 26 and 27. This  
15 leaves other portions of the extremities 26 and 27 free, and  
16 these free portions of extremities 26 and 27 define opposing  
17 and substantially coextensive lips 30 and 31, respectively.  
18 Lips 30 and 31 loosely associate or otherwise mingle with  
19 one another and are capable of being easily pulled apart for  
20 forming an opening 35, which leads to chamber 14 (chamber 14  
21 shown only in Fig. 6). Food passage to chamber 14 may also  
22 be provided by another sealable opening of apparatus 10 if  
23 desired.



1 come together and rest against one another as generally  
2 shown in Fig. 3. Insulating structure 12 keeps the food  
3 contained in chamber 14 warm. Because the engagement  
4 between lips 30 and 31 is a non-sealing engagement, and  
5 because pouch 11 is open, water vapor generated by the warm  
6 food is able to pass from pouch 11 and outwardly between  
7 opening 35 between lips 30 and 31 as it builds up in chamber  
8 14. In this regard, opening 35 is never completely sealed  
9 and this provides a partial vapor lock for chamber 14. This  
10 partial vapor lock inhibits moisture from building up in  
11 chamber 14 for inhibiting the food contained therein from  
12 becoming soggy, yet allows enough moisture vapor to remain  
13 therein for keeping the food moist.

14  
15 As a matter of convenience, lips may be partially and  
16 mechanically or actively closed at a discrete point with a  
17 closure 50 shown generally in Figs. 3 and 5. Closure 50 is  
18 comprised of an engagement element 51 supported by or  
19 otherwise fixed to or adjacent lip 30 and an opposing and  
20 detachably engagable complemental engagement element 52  
21 supported by or otherwise fixed to or adjacent lip 31. In a  
22 preferred embodiment, engagement element 51 comprises one of  
23 a hook medium and a loop medium commonly found under the  
24 VELCRO trademark and complemental engagement element 52  
25 comprises the other of the hook medium and the loop medium





1 herein chosen for purposes of illustration will readily  
2 occur to those skilled in the art. To the extent that such  
3 modifications and variations do not depart from the spirit  
4 of the invention, they are intended to be included within  
5 the scope thereof, which is assessed only by a fair  
6 interpretation of the following claims.

7

8 Having fully described the invention in such clear and  
9 concise terms as to enable those skilled in the art to  
10 understand and practice the same, the invention claimed is:

## CLAIMS

1. Apparatus for keeping food warm and moist comprising:

a substantial pouch that bounds an insulated and substantially water impermeable food warming chamber;

the pouch having opposing substantially coextensive lips capable of being moved apart for providing food passage to the warming chamber and for providing a partial vapor lock for the warming chamber.

2. Apparatus of claim 1, wherein the warming chamber is insulated with insulating structure.

3. Apparatus of claim 2, wherein the insulating structure comprises a substantial pouch formed of engaged superimposed layers of cloth and insulating material.

4. Apparatus of claim 2, wherein the insulating structure comprises opposing and partially joined insulators each comprising engaged superimposed layers of cloth and insulating material.

5. Apparatus of claim 1, further including a closure for actively and partially coupling together the lips.

6. Apparatus of claim 5, wherein the closure comprises an engagement element supported by one of the lips and an opposing and detachably engagable complementary engagement element supported by the other of the lips.

7. Apparatus of claim 6, wherein the engagement element comprises one of a hook medium and a loop medium and the complementary engagement element comprises the other of the hook medium and the loop medium.

8. Apparatus for keeping food warm and moist comprising insulating structure supporting and substantially engulfing a substantially water impermeable pouch having a warming chamber for accommodating food, the pouch and the insulating structure together providing generally opposing and substantially coextensive lips capable of being moved apart for forming an opening leading to the warming chamber and that are constructed and arranged to normally loosely associate with one another for partially enclosing the warming chamber for forming a partial vapor lock for the warming chamber.

9. Apparatus of claim 8, wherein the insulating structure comprises a substantial pouch formed of engaged superimposed layers of cloth and insulating material.

10. Apparatus of claim 8, wherein the insulating structure comprises opposing and partially joined insulators each comprising engaged superimposed layers of cloth and insulating material.

11. Apparatus of claim 8, further including a closure for actively and partially coupling together the lips.

12. Apparatus of claim 11, wherein the closure comprises an engagement element supported by one of the lips and an opposing and detachably engagable complementary engagement element supported by the other of the lips.

13. Apparatus of claim 12, wherein the engagement element comprises one of a hook medium and a loop medium and the complementary engagement element comprises the other of the hook medium and the loop medium.

14. Apparatus for storing and keeping food warm and moist comprising a soft and flexible insulated pouch having a substantially water impermeable warming chamber and a passive opening leading to the warming chamber.

15. Apparatus of claim 14, wherein the warming chamber is insulated with insulating structure.

16. Apparatus of claim 15, wherein the insulating structure comprises a substantial pouch formed of engaged superimposed layers of cloth and insulating material.

17. Apparatus of claim 15, wherein the insulating structure comprises opposing and partially joined insulators each comprising engaged superimposed layers of cloth and insulating material.

18. Apparatus of claim 14, further including a closure for actively and partially coupling the passive opening.

19. Apparatus of claim 14, wherein the closure comprises an engagement element and a detachably engagable complemental engagement element.





1 INSULATED FOOD CONTAINER

2  
3 ABSTRACT

4  
5 Apparatus for storing food and for keeping it warm and  
6 moist comprising a substantially water impermeable pouch  
7 that bounds an insulated food warming chamber, the pouch  
8 having opposing substantially coextensive lips capable of  
9 being moved apart for providing passage to the warming  
10 chamber and for providing a partial vapor lock for  
11 inhibiting moisture from building up in the warming chamber.

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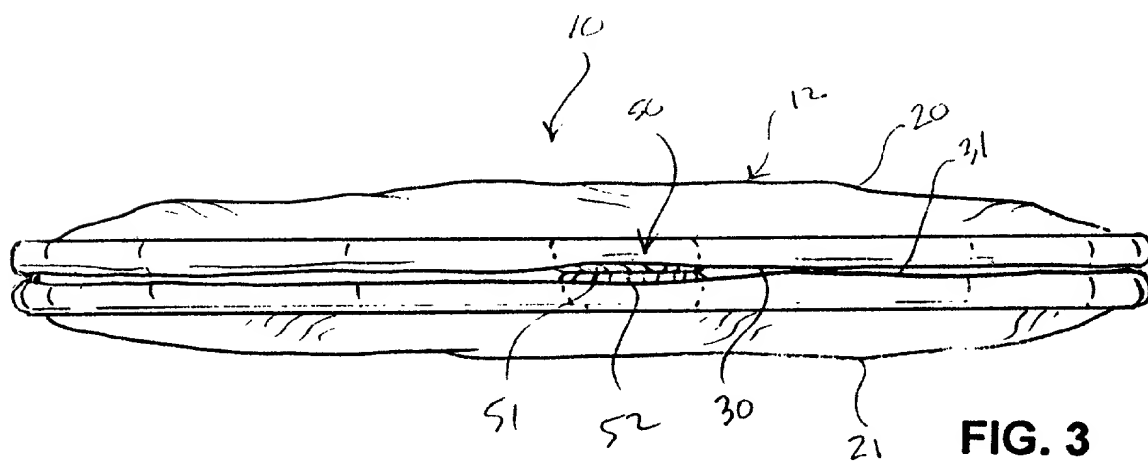
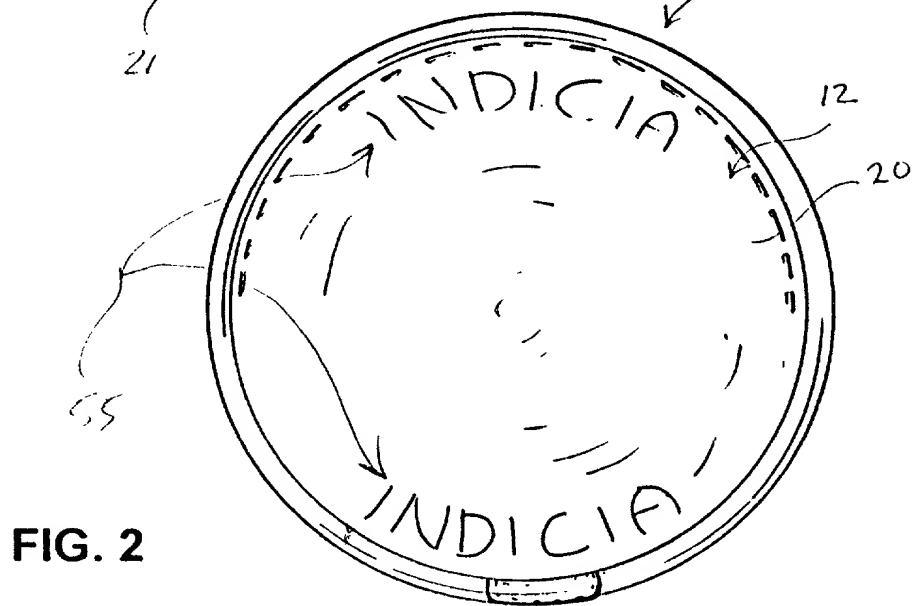
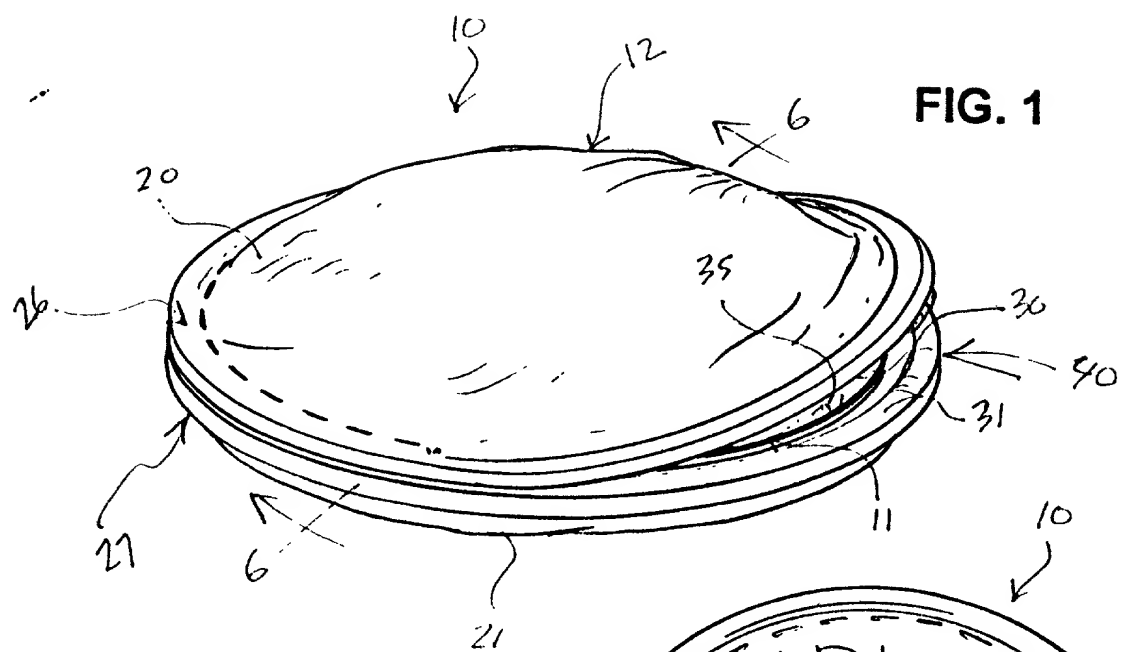
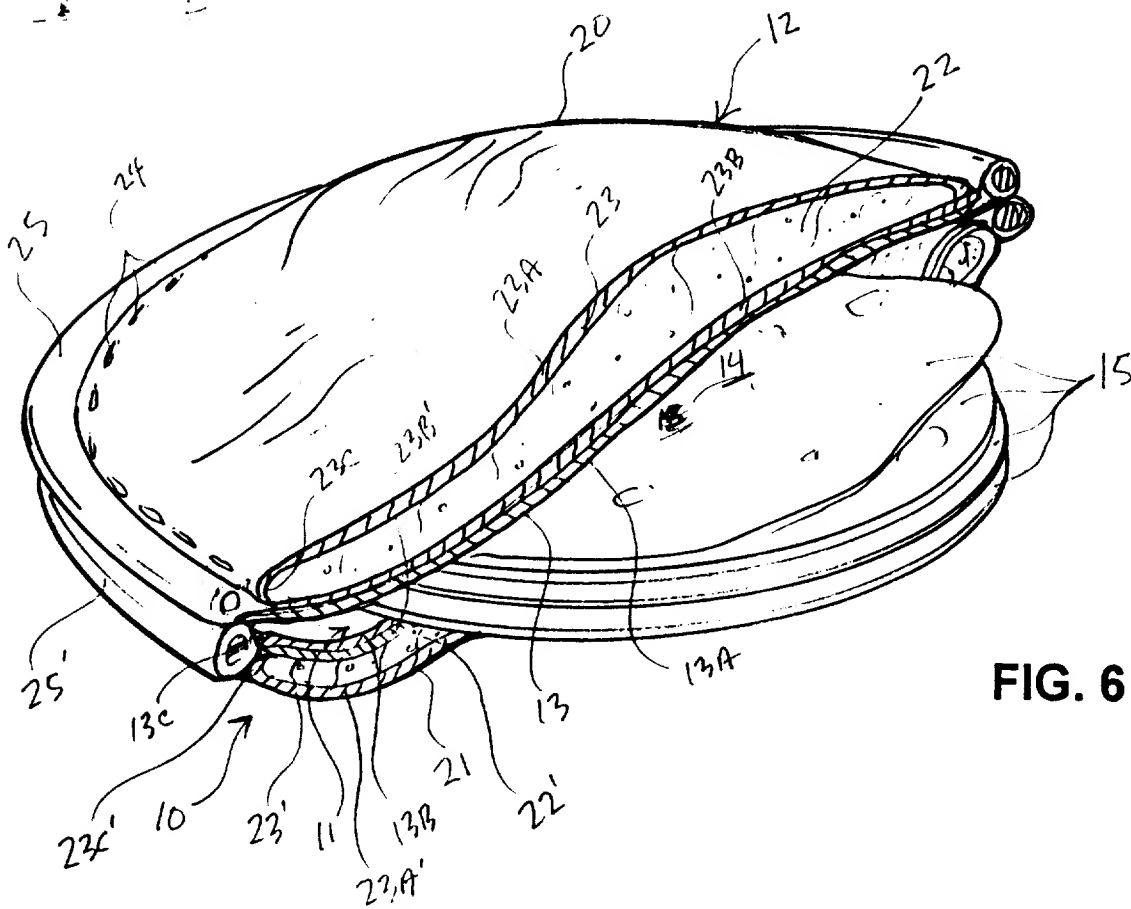
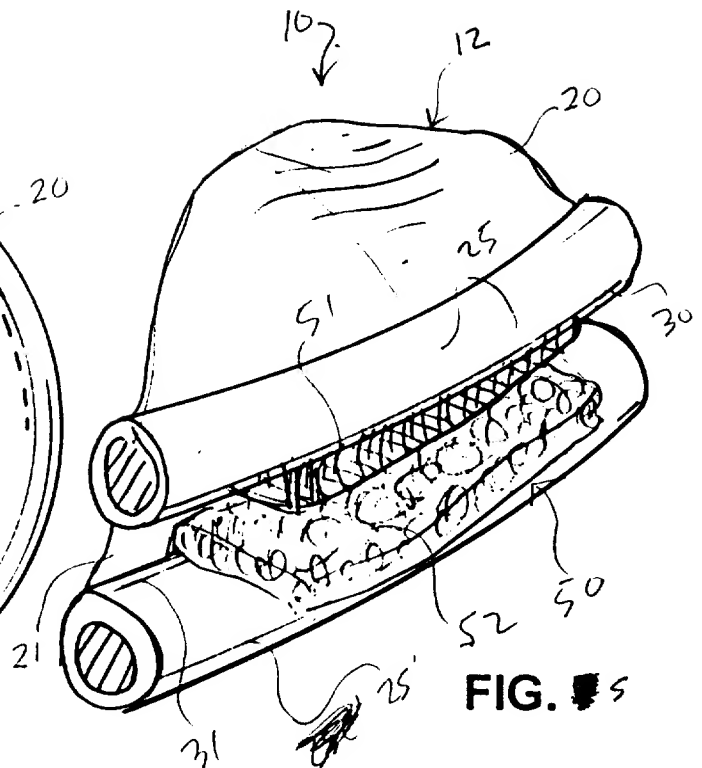


FIG. 1



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled *INSULATED FOOD CONTAINER* (RAP Docket Number 4138-A1) the specification of which:

  x   is attached hereto.

           was filed on                                  as Application

Serial No.                      and was amended on                       
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to the examination or patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>          </u>	<u>          </u>	<u>          </u>	Yes	No
(Number)	(Country)	(Day/Mo./Yr. Filed)		
<u>          </u>	<u>          </u>	<u>          </u>	Yes	No
(Number)	(Country)	(Day/Mo./Yr. Filed)		
<u>          </u>	<u>          </u>	<u>          </u>	Yes	No
(Number)	(Country)	(Day/Mo./Yr. Filed)		

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Applic. S/N) (Filing Date) (Status--pend., pat., abandoned)

(Applic. S/N) (Filing Date) (Status--pend., pat., abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

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